

Fw: Draft agenda for Technology sub-group. Please comment

Richard Sisk to: Mike Rudy, Andrea Madigan, Kelcey Land

04/30/2012 01:34 PM

From: Richard Sisk/R8/USEPA/US

To: Mike Rudy/R8/USEPA/US, Andrea Madigan/R8/USEPA/US, Kelcey Land/R8/USEPA/US

All - FYI - Interesting e-mail chain. I am not quite sure how Nathan Longenecker, Sunnyside's counsel and vice president got included at the end.

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----- Forwarded by Richard Sisk/R8/USEPA/US on 04/30/2012 01:30 PM -----

From: Michael Holmes/R8/USEPA/US

To: Richard Sisk/R8/USEPA/US@EPA

Date: 04/30/2012 11:10 AM

Subject: Fw: RE: Draft agenda for Technology sub-group. Please comment

Mike Holmes
US EPA, EPR-SR
1595 Wynkoop St.
Denver, CO 80202
phone: 303-312-6607
mobile: 720-480-2793

-----Forwarded by Michael Holmes/R8/USEPA/US on 04/30/2012 11:09AM -----

To: "Lewis, Brent R" <b1lewis@blm.gov>

From: "Nathan M. Longenecker" <Nathan.Longenecker@Kinross.com>

Date: 04/30/2012 10:59AM

Cc: "Umphres, Ann" <ann.umphres@sol.doi.gov>, "Zillich, Cathleen A" <czillich@blm.gov>, Michael Holmes/R8/USEPA/US@EPA

Subject: RE: Draft agenda for Technology sub-group. Please comment

Thanks, Brent. Much appreciated.

Nathan

From: Lewis, Brent R [mailto:b1lewis@blm.gov]
Sent: Monday, April 30, 2012 7:12 AM
To: Nathan M. Longenecker
Cc: Umphres, Ann; Zillich, Cathleen A; holmes.michael@epamail.epa.gov
Subject: FW: Draft agenda for Technology sub-group. Please comment

Nathan,

I'm forwarding an email string from last week regarding the water quality standard. I hope this conversation continues to gain momentum, particularly with the State because we don't want an 11th-hour disagreement from them. It is my belief that the operational requirements of the former Sunnyside WTP were not well founded (lacked scientific rigor) and these mistakes should not be repeated. Hence the email to encourage discussion of what is our strategy to develop a new standard and what is our short-term goal of improving water quality. I believe both an ecological risk assessment and the transport model will greatly assist in this effort. Further, data show other significant loads (accounting for over 50%) exist in both Cement Creek and the Animas. Although there is no effort to delineate these other sources, the transport model should provide a better sense of the possible beneficial improvements that can be attained by management of our favorite 4 draining adits. thanks

Brent Lewis

BLM COSO

CO AML Program Lead

303.239.3711

From: Larry Perino [<mailto:Larry.Perino@kinross.com>]
Sent: Wednesday, April 25, 2012 1:32 PM
To: William Simon; Lewis, Brent R; 'Peter Butler'
Cc: Runkel, Robert L.; 'kevin.roach@kinross.com'; holmes.michael@epamail.epa.gov; way.steven@epamail.epa.gov; Zillich, Cathleen A; Walton-Day, Katie; craig.gander@dphe.state.co.us; Umphres, Ann
Subject: RE: Draft agenda for Technology sub-group. Please comment

All-

Thought I'd throw my 2 bits in on this. I believe BAT is a minimum that is set in the Federal Standards (40CFR) for various listed groups (ie mining). During Sunnyside's last permit renewal it was determined that since there was no production and no beneficiation (milling) BAT did not apply or have to be used as a minimum. Instead BPJ (Best Professional Judgment) was used. I believe this is where CDPHE/EPA has some leeway to set minimum discharge limits.

Larry

From: William Simon [<mailto:wsimon@frontier.net>]
Sent: Wednesday, April 25, 2012 1:13 PM
To: 'Lewis, Brent R'; 'Peter Butler'
Cc: 'Runkel, Robert L.'; Larry Perino; 'kevin.roach@kinross.com'; holmes.michael@epamail.epa.gov; way.steven@epamail.epa.gov; Zillich, Cathleen A; 'Walton-Day, Katie'; craig.gander@dphe.state.co.us; 'Umphres, Ann'
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But Peter, couldn't BAT vary depending upon what was the best available technology for the condition (e.g. mine pool treatment behind a mine pool or a passive treatment system in a remote site? Also, although CWA standards will need to be met the way the load allocations are determined can vary (e.g. if we found natural loading made up a larger % of the whole load allocation. The overall TMDL would not necessarily have to change if the total load did not.). bill

-----Original Message-----

From: Lewis, Brent R [<mailto:b1lewis@blm.gov>]
Sent: Wednesday, April 25, 2012 11:53 AM
To: Peter Butler; 'Bill Simon'
Cc: Runkel, Robert L.; larry.perino@kinross.com; 'kevin.roach@kinross.com'; holmes.michael@epamail.epa.gov; way.steven@epamail.epa.gov; Zillich, Cathleen A; Walton-Day, Katie; craig.gander@dphe.state.co.us; Umphres, Ann
Subject: RE: Draft agenda for Technology sub-group. Please comment

Thanks Peter. Understanding the process definitely helps. Is there a definition of BAT in the regulations or guidance document, because it appears from the past application BAT is less concerned about risk-based, cost effectiveness which could be contrary to CERCLA. I greatly appreciate the discussion. Thx

Brent Lewis

BLM COSO

CO AML Program Lead

303.239.3711

From: Peter Butler [<mailto:butlerpeter2@gmail.com>]

Sent: Wednesday, April 25, 2012 10:59 AM

To: Lewis, Brent R; 'Bill Simon'

Cc: Runkel, Robert L.; larry.perino@kinross.com;

'kevin.roach@kinross.com'; Holmes.Michael@epamail.epa.gov; Way.Steven@epamail.epa.gov; Zillich, Cathleen A; Walton-Day, Katie; Craig.Gander@dphe.state.co.us

Subject: RE: Draft agenda for Technology sub-group. Please comment

Brent – I thought I'd add a clarification. A TMDL and a standard are related but not one in the same. A TMDL is an allocation of loading needed to meet a standard. A TMDL can be changed in the sense that loading among sources could be re-allocated, without changing the standard. However the total load at a certain monitoring point cannot change. The TMDL process is run through WQCD and does not involve WQCC.

What I think you are referring to is potentially a change in standards if it turns out that the current standards are infeasible to attain. Then potentially, the total load (TMDL) at some monitoring point could be changed. The standard could be deemed infeasible if the loading is from natural sources or from human sources that cannot be reduced over the next twenty years. The standard can only be changed by WQCC. In addition, EPA must approve the standard change in the context that they believe the new standard meets the letter of law under the Clean Water Act.

To relax a standard because it is infeasible to attain is certainly possible, but a lot of people need to be convinced that it needs to be done.

In terms of a potential discharge from a treatment plant in Cement Creek, under the Clean Water Act, at a minimum, it will need to meet BAT. I imagine that under CERCLA, a discharge would still need to meet something virtually the same as BAT.

Peter Butler

970-259-0986

From: Lewis, Brent R [<mailto:b1lewis@blm.gov>]
Sent: Wednesday, April 25, 2012 7:02 AM
To: Peter Butler (butlerpeter2@gmail.com); Bill Simon (wsimon@frontier.net)
Subject: FW: Draft agenda for Technology sub-group. Please comment

Bill and Peter,

I apologize for being too quick sending this email out yesterday and should have cc'd both of you.

From: Lewis, Brent R
Sent: Tuesday, April 24, 2012 12:23 PM
To: Rob Runkel (runkel@usgs.gov); larry.perino@kinross.com; 'kevin.roach@kinross.com'
Cc: Holmes.Michael@epamail.epa.gov; Way.Steven@epamail.epa.gov; Zillich, Cathleen A; Walton-Day, Katie; Gander, Craig R. (Craig.Gander@dphe.state.co.us)
Subject: FW: Draft agenda for Technology sub-group. Please comment

Rob,

Last week's ARSG meeting went well. Sunnyside has provide a few more comments on the SOW for the transport model (see attached) and the group will likely approach you for further discussions this week. I will try to be there, but it's uncertain at this time. I did add a few comments to the attachment provided by Sunnyside.

All,

I generally agree with the comments, particularly those specific to the attainment of the standard. Moreover, these ideas should be reflected in the goals and strategies of the ARSG as data show other significant loads exist in CC and in the Animas, but we (ARSG) only focus on the 4 drainers because we assume it's the cost-effective location for "water quality improvements". However, we don't understand how that would translate into downstream benefits. The model will assist ARSG in achieving this, and hopefully ID additional data gaps and what-if scenarios to optimize our actions; however, we must be wise in selecting our modeled iterations and overall study area. We already have identified some data gaps in CC and are planning to collect samples this next low flow, but other gaps may arise in the process.

Work plans and data reports take time and money, and their absence only underscores the need to overkill communication. I've been confused about the strategy for attainment the standard (TMDL) so I asked Peter, and to simplify his response: the new TMDL will be whatever our next treatment can achieve. This is very important. In the past BAT has presented some issues that shouldn't be repeated. It's further important to understand that the BLM's authority (and EPA's, but I can't speak for them) is also risk based and cost effectiveness. In my mind, neither of these can be effectively assessed without a better understanding of the natural inputs. Further, unpublished data tables show significant loads in both the Animas and CC, but we don't know where they reside, or what the potential natural load could be. There is much deserved excitement about the limestone sand; and there's acknowledgement that precip-metals have always flowed towards Durango. The questions become, how much more over the natural system is occurring and does this additional precipitant pose a problem (risk) to macro-inverts and fish. If so, can this can be mitigated in a different manner.

Brent Lewis

BLM COSO

AML Program Lead

303.239.3711

From: Larry Perino [<mailto:Larry.Perino@kinross.com>]

Sent: Wednesday, April 18, 2012 8:40 PM

To: Lewis, Brent R
Cc: Peter Butler; Willim Simon; Fearn Engineering
Subject: RE: Draft agenda for Technology sub-group. Please comment

Brent-

Attached is my comments and I also got comments from Kevin Roach on the draft SOW for the fate transport model. Sorry not to give you more time with it before meeting. Possibly we can discuss if you have questions on the comments.

Larry

From: Lewis, Brent R [<mailto:b1lewis@blm.gov>]
Sent: Monday, April 02, 2012 12:23 PM
To: William Simon; Peter Butler (butlerpeter2@gmail.com); Larry Perino
Cc: holmes.michael@epamail.epa.gov; way.steven@epamail.epa.gov; Zillich, Cathleen A
Subject: RE: Draft agenda for Technology sub-group. Please comment

All,

Attached is the draft SOW for the USGS transport model and please distribute to the larger group. I'd like to receive comments prior to our next meeting (4/19) so there's time to discuss any comments with USGS.

I didn't receive any response to my (3/21/12) email regarding the data summary report. Because the EPA wasn't at the last meeting there should be some concern that there may not be consensus, particularly given the example report they provided. It's important that we don't waste our efforts so we should briefly discuss the overall goal of the report, its outline, subsequent degree of any necessary data validation and a deadline. Thanks

Brent Lewis

BLM COSO

AML Program Lead

303.239.3711

From: William Simon [<mailto:wsimon@frontier.net>]

Sent: Sunday, April 01, 2012 11:06 AM

To: Zillich, Cathleen A; 'Todd Henis'; 'kirstin.brown@state.co.us'; 'Larry Perino'; 'Ron Borrego'; 'Steve Fearn'; 'way.steven@epamail.epa.gov'; 'Craig Gander'; 'Christopher Peltz'; 'Michael Holmes'; dan@sanjuancitizens.org

Cc: Lewis, Brent R

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I think we should discuss the Apatite II Reactive Barrier technology to determine its applicability (add to first agenda item). As for data validation I thought we decided that Peter, Larry, and I should work on that. I have no problem if we should bring it up again to the larger group but that would be in the evening, no? And yes, we should try to decide upon a short list for the BLM contractor during this meeting or call another for that purpose – we need to move forward as quickly as possible. This goes hand in hand with determining the water quality goals which has been what the UCCWG has been working toward. Bill

-----Original Message-----

From: Zillich, Cathleen A [<mailto:czillich@blm.gov>]

Sent: Friday, March 30, 2012 4:41 PM

To: 'William Simon'; 'Todd Henis'; 'kirstin.brown@state.co.us'; 'Larry Perino'; 'Ron Borrego'; 'Steve Fearn'; 'way.steven@epamail.epa.gov'; 'Craig Gander'; 'Christopher Peltz'; 'Michael Holmes'; dan@sanjuancitizens.org; Zillich, Cathleen A

Cc: Lewis, Brent R

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In order to make our time most effective, I wanted agreement on what we should tackle on the afternoon of April 19th. There are several things underway that may not be ready for review, but the attached document has the list of things that we may want to cover. Please let me know if these are the right topics, and if particular assignments need to be made so we have the right info at the meeting.

Kay Zillich

Abandoned Mine Program

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